

# On the Problem with Personhood by Don Marquis

## Introduction

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In this text, we consider whether personhood can be adequately defined and whether naming beings persons is useful in determining how to treat those beings. In this selection from Don Marquis' "Why Abortion is Immoral," he discusses how it is difficult to circumscribe via definition the beings we want to be persons without *excluding* beings we want to include in the category *and* that our common definitions of personhood might *include* beings we would otherwise not consider persons. Marquis instead thinks we should ask not whether a given being is or is not a person, but rather we should ask what makes killing wrong.

Regardless of your reasoned position on the *prima facie* moral status of abortion, Marquis' problematization of definitions of personhood by different camps is worthy of consideration and reflection.

## Text

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## On the Symmetry of Pro-Life and Pro-Choice Claims

A sketch of standard anti - abortion and pro - choice arguments exhibit how those arguments possess certain symmetries that explain why partisans of those positions are so convinced of the correctness of their own positions, why they are not successful in convincing their opponents, and why, to others, this issue seems to be unresolvable. An analysis of the nature of this standoff suggests a strategy for surmounting it.

Consider the way a typical anti - abortionist argues. She will argue or assert that life is present from the moment of conception or that fetuses look like babies or that fetuses possess a characteristic such as a genetic code that is both necessary and sufficient for being human. Anti - abortionists seem to believe that

- 1) the truth of all these claims is obvious, and
- 2) establishing any of these claims is sufficient to show that abortion is morally akin to murder.

A standard pro - choice strategy exhibits similarities. The pro - choicer will argue or as sort that fetuses are not persons or that fetuses are not rational agents or that fetuses are not social beings. Pro - choices seem to believe that:

- 1) the truth of any of these claims is obvious, and
- 2) establishing any of these claims is sufficient to show that an abortion is not a

wrongful killing.

In fact, both the pro - choice and the anti - abortion claims do seem to be true, although the “it looks like a baby” claim is more difficult to establish the earlier the pregnancy. We seem to have a standoff. How can it be resolved?

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The anti - abortionist will claim that her position is supported by such generally accepted moral principles as “It is always prima facie seriously wrong to take a human life” or “It is always prima facie seriously wrong to end the life of a baby.” Since these are generally accepted moral principles, her position is certainly not obviously wrong. The pro - choicer will claim that her position is supported by such plausible moral principles as “Being a person is what gives an individual intrinsic moral worth” or “It is only seriously prima facie wrong to take the life of a member of the human community.” Since these are generally accepted moral principles, the pro - choice position is certainly not obviously wrong. Unfortunately, we have again arrived at a standoff.

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### On the Attempt to Narrow the Scope of the Application of the Moral Principles and their Problems

Now, how might one deal with this standoff? The standard approach is to try to show how the moral principles of one’s opponent lose their plausibility under analysis. ...

[T]he anti-abortionist will defend a moral principle concerning the wrongness of killing which tends to be broad in scope in order that even fetuses at an early stage of pregnancy will fall under it. **The problem with broad principles is that they often embrace too much.** ... “It is always prima facie wrong to take a human life” seems to entail that it is wrong to end the existence of a living human cancer-cell culture, on the grounds that the culture is both living and human. Therefore, it seems that the anti-abortionist’s favored principle is too broad.

On the other hand, the pro-choicer wants to find a moral principle concerning the wrongness of killing which tends to be narrow in scope in order that fetuses will not fall under it. **The problem with narrow principles is that they often do not embrace enough.** Hence, the needed principles such as “It is prima facie seriously wrong to kill only persons” or “It is prima facie wrong to kill only rational agents” do not explain why it is wrong to kill infants or young children or the severely retarded or even perhaps the severely mentally ill. ...

Attempts by both sides to patch up the difficulties in their positions run into further difficulties.

The anti-abortionist will try to remove the problem in her position by reformulating her principle concerning killing in terms of human beings. Now we end up with: “It is

always prima facie seriously wrong to end the life of a human being. "This principle has the advantage of avoiding the problem of the human cancer-cell culture counterexample. But this advantage is purchased at a high price.

For although it is clear that a fetus is both human and alive, it is not at all clear that a fetus is a human being. There is at least something to be said for the view that something becomes a human being only after a process of development, and that therefore first trimester fetuses and perhaps all fetuses are not yet human beings. Hence, the anti-abortionist, by this move, has merely exchange done problem for another.

The pro-choicer fares no better. She may attempt to find reasons why killing infants, young children, and the severely retarded is wrong which are independent of her major principle that is supposed to explain the wrongness of taking human life, but which will not also make abortion immoral.

This is no easy task. Appeals to social utility will seem satisfactory only to those who resolve not to think of the enormous difficulties with a utilitarian account of the wrongness of killing and the significant social costs of preserving the lives of the unproductive. A pro-choice strategy that extends the definition of "person" to infants or even to young children seems just as arbitrary as an anti-abortion strategy that extends the definition of "human being" to fetuses.

Again, we find symmetries in the two positions and we arrive at a standoff. [...] If "human being" is taken to be a biological category, then the anti-abortionist is left with the problem of explaining why a merely biological category should make a moral difference. Why, it is asked, is it any more reasonable to base a moral conclusion on the number of chromosomes in one's cells than on the color of one's skin? If "human being," on the other hand, is taken to be a moral category, then the claim that a fetus is a human being cannot be taken to be a premise in the anti-abortion argument, for it is precisely what needs to be established. Hence, either the anti-abortionist's main category is a morally irrelevant, merely biological category, or it is of no use to the anti-abortionist in establishing (non-circularly, of course) that abortion is wrong.

[T]he pro-choice position suffers from an analogous problem. The principle "Only persons have the right to life" also suffers from an ambiguity. The term "person" is typically defined in terms of psychological characteristics, although there will certainly be disagreement concerning which characteristics are most important. ...

### **Re-framing the Question as "What makes killing wrong?" instead of "What beings are persons?"**

After all if we merely believe, but do not understand, why killing adult human beings such as ourselves is wrong, how could we conceivably show that abortion is either immoral or permissible? To develop such an account, we can start from the following unproblematic assumption concerning our own case: it is wrong to kill us.

Why is it wrong? Some answers can be easily eliminated. It might be said that what

makes killing us wrong is that a killing brutalizes the one who kills. But the brutalization consists of being inured to the performance of an act that is hideously immoral; hence, the brutalization does not explain the immorality.

It might be said that what makes killing us wrong is the great loss others would experience due to our absence. Although such hubris is understandable, such an explanation does not account for the wrongness of killing hermits, or those whose lives are relatively independent and whose friends find it easy to make new friends.

A more obvious answer is better. What primarily makes killing wrong is neither its effect on the murderer nor its effect on the victim's friends and relatives, but its effect on the victim.

The loss of one's life is one of the greatest losses one can suffer. The loss of one's life deprives one of all the experiences, activities, projects, and enjoyments which would otherwise have constituted one's future. Therefore, killing someone is wrong, primarily because the killing inflicts (one of) the greatest possible losses on the victim.

To describe this as the loss of life can be misleading, however. The change in my biological state does not by itself make killing me wrong. The effect of the loss of my biological life is the loss to me of all those activities, projects, experiences, and enjoyments which would otherwise have constituted my future personal life. These activities, projects, experiences, and enjoyments are either valuable for their own sakes or are means to something else that is valuable for its own sake. Some parts of my future are not valued by me now but will come to be valued by me as I grow older and as my values and capacities change.

When I am killed, I am deprived both of what I now value which would have been part of my future personal life, but also what I would come to value. Therefore, when I die, I am deprived of all the value of my future. Inflicting this loss on me is ultimately what makes killing me wrong.

This being the case, what makes killing any adult human being *prima facie* seriously wrong is the loss of his other future.

How should this rudimentary theory of the wrongness of killing be evaluated? It cannot be faulted for deriving an "ought" from an "is," for it does not. The analysis assumes that killing me (or you, reader) is *prima facie* seriously wrong. The point of the analysis is to establish which natural property ultimately explains the wrongness of the killing, given that it is wrong.

A natural property will ultimately explain the wrongness of killing, only if

- 1) the explanation fits with our intuitions about the matter and
- 2) there is no other natural property that provides the basis for a better explanation of the wrongness of killing.

This analysis rests on the intuition that what makes killing a human or animal wrong is why it does to that human or animal. What makes killing wrong is some natural effect or other of the killing. Some would deny this. For instance, a divine - command theorist in ethics would deny it. Surely this denial is, however, one of those features of divine command theory which renders it so implausible.

The claim that what makes killing wrong is the loss of the victim's future is directly supported by two considerations.

In the first place, this theory explains why we regard killing as one of the worst of crimes. Killing is especially wrong, because it deprives the victim of more than perhaps any other crime. In the second place, people with AIDS or cancer who know they are dying believe, of course, that dying is a very bad thing for them. They believe that the loss of a future to them that they would otherwise have experienced is what makes their premature death a very bad thing for them.

A better theory of the wrongness of killing would require a different natural property associated with killing which better fits with the attitudes of the dying. What could it be? The view that what makes killing wrong is the loss to the victim of the value of the victim's future gains additional support when some of its implications are examined. In the first place, it is incompatible with the view that it is wrong to kill only beings who are biologically human.

It is possible that there exists a different species from another planet whose members have a future like ours. Since having a future like that is what makes killing someone wrong, this theory entails that it would be wrong to kill members of such a species. Hence, this theory is opposed to the claim that only life that is biologically human has great moral worth, a claim which many anti - abortionists have seemed to adopt.

This opposition, which this theory has in common with personhood theories, seems to be a merit of the theory. In the second place, the claim that the loss of one's future is the wrong - making feature of one's being killed entails the possibility that the futures of some actual nonhuman mammals on our own planet are sufficiently like ours and it is seriously wrong to kill them also. Whether some animals do have the same right to life as human beings depends on adding to the account of the wrongness of killing some additional account of just what it is about my future or the futures of other adult human beings which

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## **Humanization through Liberation by Paulo Freire**

Excerpted from Chapter 1 of *Pedagogy of the Oppressed*.

While the problem of humanization has always, from an axiological point of view, been humankind's central problem, it now takes on the character of an inescapable concern.<sup>1</sup> Concern for humanization leads at once to the recognition of dehumanization, not only as an ontological possibility but as an historical reality. And as an individual perceives the extent of dehumanization, he or she may ask if humanization is a viable possibility. Within history, in concrete, objective contexts, both humanization and dehumanization are possibilities for a person as an uncompleted being conscious of their incompleteness.

But while both humanization and dehumanization are real alternatives, only the first is the people's vocation. This vocation is constantly negated, yet it is affirmed by that very negation. It is thwarted by injustice, exploitation, oppression, and the violence of the oppressors; it is affirmed by the yearning of the oppressed for freedom and justice, and by their struggle to recover their lost humanity.

Dehumanization, which marks not only those whose humanity has been stolen, but also (though in a different way) those who have stolen it, is a *distortion* of the vocation of becoming more fully human. This distortion occurs within history; but it is not an historical vocation. Indeed, to admit of dehumanization as an historical vocation would lead either to cynicism or total despair. The struggle for humanization, for the emancipation of labor, for the overcoming of alienation, for the affirmation of men and women as persons would be meaningless. This struggle is possible only because dehumanization, although a concrete historical fact, is *not* a given destiny but the result of an unjust order that engenders violence in the oppressors, which in turn dehumanizes the oppressed.

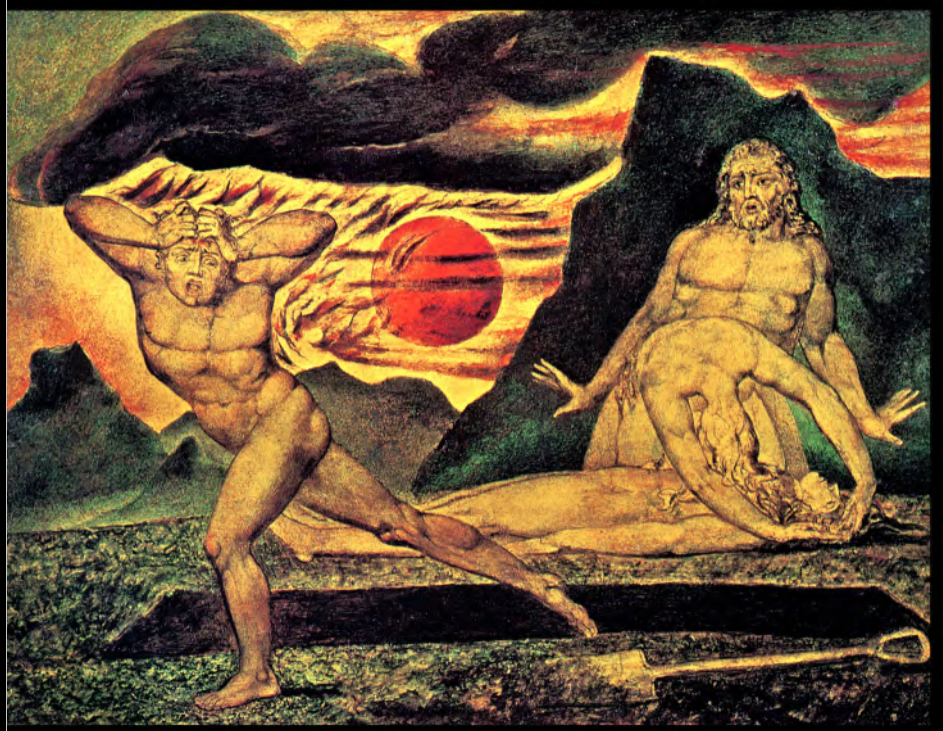
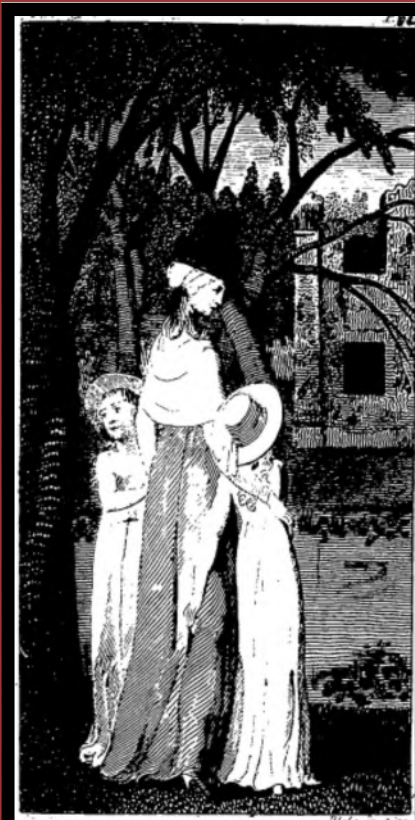
Because it is a distortion of being more fully human, sooner or later being less human leads the oppressed to struggle against those who made them so. In order for this struggle to have meaning, the oppressed must not, in seeking to regain their humanity (which is a way to create it), become in turn oppressors of the oppressors, but rather restorers of the humanity of both.

This, then, is the great humanistic and historical task of the oppressed: to liberate themselves and their oppressors as well. The oppressors, who oppress, exploit, and rape by virtue of their power, cannot find in this power the strength to liberate either the oppressed or themselves. Only power that springs from the weakness of the oppressed



# PHRONESIS

## An Ethics Primer with Readings



Henry Imler, Editor

# Phronesis

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Editor: Henry Imler



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